

Süd-Chemie Inc.  
1600 West Hill Street  
Louisville, Kentucky 40210

PHONE: (502) 634-7373  
FAX: (502) 634-7724

**CONFIDENTIAL AND PRIVILEGED  
ATTORNEY CLIENT COMMUNICATION**

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TO: U.S. Patent and Trademark Office  
Examiner: Cam Nguyen Group: 1754  
Fax #703-872-9306

FROM: Joan L. Simunic Reg. No. 43,125

DATE: September 24, 2003

PAGES: 20 in total (including cover sheet)

RE: U.S. Patent Application No. 09/851,177

Remarks: This facsimile is in response to the office action, having a mailing date of March 26, 2003

Enclosed are:

- (1) Transmittal Form.
- (2) Fee Transmittal for FY 2003
- (3) Credit Card Payment Form
- (4) Petition for Extension of Time
- (5) Response to Office Action
- (6) Clean Unmarked Version of Claims Now in Application

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Donna Ferrill  
Person Signing

  
Signature

9/24/03  
Date

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/851,177
		Filing Date	May 8, 2001
		First Named Inventor	X. D. Hu
		Art Unit	1754
		Examiner Name	Cam Nguyen
Total Number of Pages in This Submission	20	Attorney Docket Number	ZL 494/01001

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joan L. Simunic, Reg. 43,125
Signature	<i>Joan L. Simunic</i>
Date	September 23, 2003

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	<i>Diana Formil</i>
Signature	<i>Diana Formil</i>
Date	<i>September 24, 2003</i>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 930.00)

## Complete if Known

Application Number 09/851,177  
Filing Date May 8, 2001  
First Named Inventor X. D. Hu  
Examiner Name Cam Nguyen  
Art Unit 1754  
Attorney Docket No. ZL 494/01001

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None  
☐ Deposit Account:  
Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ ) n/a

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	-
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	-
1053 130	1053 130	Non-English specification	-
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	-
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	-
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	-
1251 110	2251 55	Extension for reply within first month	-
1252 410	2252 205	Extension for reply within second month	-
1253 930	2253 465	Extension for reply within third month	930
1254 1,450	2254 725	Extension for reply within fourth month	-
1255 1,970	2255 985	Extension for reply within fifth month	-
1401 320	2401 160	Notice of Appeal	-
1402 320	2402 160	Filing a brief in support of an appeal	-
1403 280	2403 140	Request for oral hearing	-
1451 1,510	1451 1,510	Petition to institute a public use proceeding	-
1452 110	2452 55	Petition to revive - unavoidable	-
1453 1,300	2453 650	Petition to revive - unintentional	-
1501 1,300	2501 650	Utility issue fee (or reissue)	-
1502 470	2502 235	Design issue fee	-
1503 630	2503 315	Plant issue fee	-
1460 130	1460 130	Petitions to the Commissioner	-
1807 50	1807 50	Processing fee under 37 CFR 1.17(i)	-
1806 180	1806 180	Submission of Information Disclosure Stmt	-
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	-
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	-
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	-
1801 750	2801 375	Request for Continued Examination (RCE)	-
1802 900	1802 900	Request for expedited examination of a design application	-

Other fee (specify) -

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 930

## SUBMITTED BY

Name (Print/Type) Jean L. Simunic  
Signature

Registration No. 43,125  
(Attorney/Agent)

(Complete if applicable)

Telephone 502-634-7373

Date September 23, 2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1400  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,177	05/08/2001	X.D. Hu	ZL494/01001	2722
22884	7590	11/18/2003		
MIDDLETON & REUTLINGER 2500 BROWN & WILLIAMSON TOWER LOUISVILLE, KY 40202				
			EXAMINER NGUYEN, CAM N	
			ART UNIT 1754	PAPER NUMBER 7

DATE MAILED: 11/18/2003

RECEIVED NOV 2 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

- Notice of Abandonment -

# Notice of Abandonment

Application No.  
09/851,177

Applicant(s)  
Hu et al.

Examiner  
Cam Nguyen

Art Unit  
1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Mar 26, 2003.
- (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.
- (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.
- The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Cam Nguyen  
11/13/03

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.